

THE ATTORNEY GENERAL
WASHINGTON
22 September 1986

Executive Registry

86- 4287X

Dear Bill:

Enclosed is a proposed agenda for the next Policy Board meeting on 24 September 1986, in the Roosevelt Room at 10:00 a.m. Deferred from the last meeting is our review of resources devoted to and proposed for drug enforcement programs.

Suggestions to the agenda should be communicated to Staff Director Patrick Tarr on 633-3435. Also enclosed are the minutes of our previous meeting.

I look forward to seeing you on the 24th.

Sincerely,



Edwin Meese III

Enclosures

The Honorable William J. Casey
Director
Central Intelligence Agency
Washington, D.C. 20505

cc: The Honorable William R. Kotapish

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September 19, 1986

DRUG CONTROL ACT

TITLE I. WHITE HOUSE LEGISLATION WITH SUGGESTED CHANGES NOTED

A. Drug Free Federal Workplace Act of 1986

This title amends the Rehabilitation Act and the Civil Service Reform Act to make sure they do not bar agencies from taking disciplinary action against Federal employees found to be using illegal drugs. Also it makes sure the term "handicapped", for purposes of qualifying for benefits, does not include someone whose only handicap is current addiction to, or use of, illegal drugs or alcohol.

The Senate Bill deletes the provision relating to pending litigation.

The Senate Bill adds House language which instructs OPM to educate Federal employees as to the dangers of drug abuse and to the availability of treatment and prevention programs.

B. Drug-Free Schools Act of 1986

The Bill contains a provision which authorizes a new \$100 million state-administered grant program to establish drug-free learning environments. The Bill also makes clear that Federal law would not bar an educational institution from conducting a program of drug testing. The Administration's language has been modified to remove many of the reporting requirements and restrictions on the use of the funds.

Additionally, the Bill requires the designation of an official for drug abuse activities at several departments. Further, it prohibits the awarding of Federal funds under this Title to states who prohibit drug testing in educational institutions.

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C. Substance Abuse Services Amendments of 1986

The Administration's Bill eliminated various restrictions now imposed on the states concerning the use of funds under the alcohol and drug abuse and mental health services grant.

The Senate Bill would authorize appropriations for the alcohol, drug abuse and mental health services block grant of \$600 million for fiscal year 1988, and 5% increases for fiscal year 1989 through 1992. Of these funds, the Secretary, acting through the Alcohol, Drug Abuse and Mental Health Administration, shall reserve \$100 million for existing state alcohol and drug abuse treatment programs. Of this reserved amount, 40 percent will be available for programs for "at-risk" youth.

The Bill also eliminates various restrictions now imposed on states on the uses of funds under the Alcohol and Drug Abuse and Mental Health Services Block Grant.

The Senate Bill grants the Secretary of Health and Human Services the authority to withhold a State's alcohol, drug abuse and mental health services block grant funds if the State decriminalizes the possession or distribution of harmful drugs.

Another provision tracks previously reported legislation from the Senate Committee on Labor and Human Resources, S. 2595, "The Alcohol, Drug Abuse and Mental Health Amendments of 1985" with certain modifications. The modifications which include the following:

One year reauthorization at \$116 million for the National Institute of Drug Abuse and \$69 million for the National Institute on Alcohol Abuse and Alcoholism; deletion of section 10 and 11; addition of the following provisions:

The Bill further requires that the Secretary of Health and Human Services shall prepare a National Plan to Combat Drug Abuse.

The Bill establishes an Alcohol and Drug Abuse Clearinghouse for the dissemination of materials concerning education and prevention of drug abuse.

Additionally we require the Secretary of Health and Human Services, through the FDA, to conduct a study of alkyl nitrates and report to the appropriate Congressional committees as to whether this substance should be treated as a drug under the Food, Drug and Cosmetic Act. Further, no funds under this portion will be available to any state which decriminalizes possession of controlled substances.

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D. Drug Interdiction and International Cooperation Act of 1986

International Forfeiture Enabling Act of 1986

This subtitle of the Administration package permits forfeiture of property within the United States acquired from foreign unlawful drug activities. The language from this subtitle has been tracked in substantial part in S. 2683, the "Money Laundering Crimes Act of 1986", which was included in the Senate Democrat package. The House package includes a similar provision passed as a McCollum amendment. The Senate passed S. 2683 as an amendment to the Debt Ceiling Bill by a vote of 98-0. This provision is folded into the money laundering title. It is essentially duplicative of that subtitle and need not be included as a separate subtitle.

1. Mansfield Amendment Repeal Act of 1986

This section repeals the "Mansfield Amendment" which prohibits officers and employees of the United States from participating in narcotics arrests in foreign countries, and from the interrogation or presence at the interrogation of a United States person arrested in a foreign country with respect to narcotics control, without the written consent of the person being interrogated.

The Senate Bill strikes the Administration provision and inserts the Murkowski Bill which modifies the Mansfield Amendment by repealing the prohibition against U.S. drug agents being present during an arrest. U.S. drug agents may be present at the interrogation of a U.S. citizens only upon the consent of that citizen.

2. Narcotic Traffickers Deportation Act of 1986

This section simplifies the current provisions of the Immigration and Nationality Act authorizing the exclusion and deportation of individuals convicted of drug related crimes, and specifies the violation of foreign drug laws as grounds for deportation or exclusion. The House Bill was amended by Congressman Lungren and includes the Administration language. The Senate Democrat Bill does not address this matter. The Senate Bill incorporates the concept of the Administration proposal but uses the language offered by Congressman Lungren.

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3. Customs Enforcement Act

This subtitle makes a number of changes in the laws governing Customs including increasing certain civil penalties and changing the rules relating to the sale of seized assets. The Bill also substantially increases penalties relating to unmanifested drugs and other merchandise, grants the Secretary specific authority to operate customs facilities in foreign countries and grants the authority to extend U.S. Customs laws to foreign locations with the consent of the country concerned.

The Senate Bill modifies the language to provide severe penalties directed at those involved in the illegal transportation of drugs. Penalties are not inadvertently imposed on those aircraft owners/operators/pilots who are unconnected with the illegal drug trade. An additional modification clarifies that aircraft owners and operators are liable for fines only when they participated in or were aware of the use of their aircraft for the transportation of illegal drugs.

4. Maritime Drug Law Enforcement Prosecution Improvements Act of 1986

This section resolves prosecutorial problems, which arise during criminal trials, resulting from the execution of existing authority which allows the Coast Guard to stop and board certain vessels at sea and make arrests and seizures for violations of U.S. laws.

E. Anti-Drug Enforcement Act of 1986

It is important to note that under the Sentencing Reform Act of 1984, beginning November 1, 1987, Federal courts will be required to use guidelines established by the United States Sentencing Commission. Amendments seeking to impose specific sentences and/or fines for specific violations will severely damage the effort to bring consistency to fixing sentences at a level to meet the crime.

1. Drug Penalties Enhancement Act of 1986

This section sets forth a series of amendments to stiffen penalties for large-scale domestic drug trafficking. The House Bill also increases penalties for such traffickers. The House Bill was subject to extensive amendment on the Floor, resulting in a patchwork of fines and penalties with no coordination or consistency. Furthermore, there has been no effort to take into account sentencing guidelines which are soon to be released by the U.S. Sentencing Commission. Accordingly, the House penalties

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may negate the work of the Commission in developing such guidelines. Likewise, the Senate Democrats Bill includes a section to provide for stiffer penalties. The Administration's penalty provisions in this section have been developed to take the guidelines into account.

2. Drug Possession Penalty Act

This section rewrites the penalty provisions for simple possession of controlled substances. These stiff new penalties include increased fines, mandatory imprisonment for second time offenders, and repeal of pre-trial diversion for first offenders. The House Bill makes minimal changes to penalties for simple possession. The Senate Democrat Bill increases penalties for simple possession offenses.

3. Continuing Drug Enterprise Penalty Act of 1986

This section provides for imposition of the death penalty for commission of certain criminal offenses. The offenses include an intentional killing while engaged in a continuing drug enterprise, assassination or attempted assassination of the President, murder for hire, murder by a Federal prisoner serving a life sentence, and murder or loss of life arising out of a hostage taking situation. In addition, this subtitle sets up constitutional procedures for the imposition of the death penalty for all crimes for which the death penalty is currently provided. Among others, current law provides for imposition of the death penalty for commission of the crimes of treason, espionage, murder, and aircraft piracy. The House Drug Bill provides for the death penalty only when an individual intentionally kills another while engaged in a continuing drug enterprise. The Administration's language which is similar to the House Bill is included in the Senate Bill. Additionally, the Senate Drug Bill contains the provisions of S. 239, which was reported by the Senate Judiciary Committee and is pending on the Senate Calendar. Similar legislation passed the Senate in 1984.

United States Marshals Service Act of 1986

This section is substantially the same as S. 2044, introduced at the request of the Department of Justice and pending in the Judiciary Committee. The Bill has been the subject of strong opposition from the Federal judiciary. The substance of the subtitle is only peripheral to drug enforcement and perceived by some to threaten courtroom security. Neither the House nor the Senate Democrat Bill contain any similar provision. This section is not included.

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4. Controlled Substances Import and Export Penalties Enhancement Act of 1986

This section generally conforms penalties for import and export violations to those established elsewhere in the Administration's proposal. Once again, in an effort to strive for consistency and encourage a comprehensive approach to the drug penalty structure, the Administration's provisions are incorporated as part of the Senate Bill.

5. Juvenile Drug Trafficking Act of 1986

This section provides for additional penalties for persons who make use of juveniles in drug trafficking. Both the House Bill and the Senate Democrat Bill address this same issue. The House language makes it a crime for the adult offender to "employ, use, persuade, induce, entice or coerce a person under eighteen" to commit drug offenses, whereas the Administration's language requires that the juvenile "act in concert" with the adult offender. The Senate proposal incorporates the best features from both the House Bill and the Administration's language. It also incorporates language from the Senate Democrats providing enhanced penalties for distribution to minors and adds a new concept providing for enhanced penalties for knowingly distributing to a pregnant individual.

6. Chemical Diversion and Trafficking Act of 1986

This section establishes a new system of control over the sales of certain precursor and essential chemicals in the manufacture of illegal drugs through new record keeping, reporting, and identification requirements designed to keep these chemicals out of the hands of illegal drug manufacturers. The House package only provides for a study to determine the need for legislation or regulation to control the diversion of legitimate precursor and essential chemicals to the illegal manufacture of drugs. The Senate Democrat package does not include any like provision.

Money Laundering Crimes Act of 1986

This section of the Administration package provides an offense for laundering the proceeds of certain specified crimes. This section closely tracks the language of S. 2683, which has passed the Senate and is also part of the Senate Democrat package. The House package includes a slightly different money laundering bill. S. 2683 was the subject of give-and-take compromise with the Minority in order to develop consensus legislation. It is very positive legislation, however, the Administration's language is preferred. The Administration's

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bill differs from S. 2683 in that it provides: enhanced protection for financial institutions which disclose information; broader summons authority for the Treasury Department; and, forfeiture authority under title 31 rather than title 18. The Senate bill adopts the Administration's language with certain minor amendments. Since this measure has been passed in large measure by the Senate, it appears in the text of the Bill in Title II.

Controlled Substances Technical Amendments Act of 1986

This section makes technical corrections to the Controlled Substances Act. The provisions of this subtitle were passed by the Senate when it passed S. 1236 on April 17, 1986. The provisions of this subtitle are included in the House Drug Bill and the Senate Democrat Drug Bill. The provisions of the Administration's Drug Package is included in the Senate Bill. Since this measure has been passed by the Senate, it appears in the text of the Bill in Title II.

Controlled Substances Analogs Enforcement Act of 1986 (Designer Drugs)

This section makes it unlawful to manufacture with the intent to distribute, or to possess "designer drugs" intended for human consumption. Since this measure has been passed by the Senate, it appears in the text of the Bill in Title II.

The Administration provision is identical to S. 1437 as it passed the Senate last December, with the exception of the addition of conforming amendments. These conforming amendments incorporate the prohibition of controlled substances analogs elsewhere in the criminal code where reference is made to controlled substances.

The House Bill contains a provision similar to S. 1437; however, the definition of controlled substances analog set forth in H.R. 5246 is problematic. The Senate Bill sets forth language almost identical to S. 1437 except that the fines are increased from \$250,000 to \$500,000 for an individual and \$2 million other than individuals.

7. Asset Forfeiture Amendments Act of 1986

This section of the Administration package provides for the forfeiture of substitute assets where the proceeds of a specified crime are lost, beyond judicial reach, substantially diminished, or commingled. This subtitle goes beyond the other proposals in the Senate Democrat package and the Senate-passed S. 2683, both

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of which only provide for the forfeiture of traceable assets. The House package does not provide for the forfeiture of traceable or substitute assets.

8. Exclusionary Rule Limitation Act of 1986

This section contains limitations on the exclusionary rule under which Federal courts have in the past suppressed or excluded otherwise admissible evidence because of a determination that it was obtained in an illegal manner. This proposal is similar to S. 1784 which passed the Senate in the 98th Congress and to S. 237 introduced by Senator Thurmond in the current Congress. The Administration's language is preferable in that it incorporates a standard which conforms most closely to case law decided by the Supreme Court. The House Bill was amended to provide for a limited exception to the exclusionary rule. The Senate Democrat Bill contains no such provision.

9. Public Awareness and Private Sector Initiatives of 1986

This section creates a narrow, two year exemption from the Competition in Contracting Act to allow payment of out-of-pocket expenses for media and publication preparation where at least 50% of the costs are borne by the private sector. It also creates a narrow exemption to the current prohibition against releasing, for domestic audiences, United States Information Agency films, television spots, publications, etc.

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TITLE II. BILLS PREVIOUSLY AGREED TO BY THE SENATE INCORPORATED
INTO THE BILL

- A. S. 630 -- Federal Drug Law Enforcement Agent Protection Act. This Bill provides rewards to those assisting with the arrest and conviction of persons guilty of killing or kidnapping a Federal drug agent.
- B. S. 850 -- A bill to make it a Federal criminal offense to operate or direct the operation of a common carrier while intoxicated as a result of using alcohol or drugs.
- C. S. 1236 -- Technical amendments to the Comprehensive Crime Control Act of 1983, as modified.
- D. S. 1298 -- Indian Juvenile Alcohol and Drug Abuse Prevention Act, with a modification adding additional law enforcement language for the Bureau of Indian Affairs.
- E. S. 1437 -- Designer Drug Enforcement Act as modified. Includes conforming amendments suggested by the Administration.
- F. S. 2638 -- The bill includes the authorization language contained in the Department of Defense Authorization for fiscal year 1987, which provides \$227 million for drug interdiction by the U.S. Customs Service and the U.S. Coast Guard. The Senate Bill also calls for a study of drug use, treatment and education at schools operated by the Department of Defense. It also includes language to include driving while impaired to the U.S. Code of Military Justice.
- G. S. 2683 -- Money Laundering

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TITLE III. NEW INITIATIVES AGAINST DRUGS

A. White House Conference

Establishes a White House Conference on Drug Abuse, Education, Prevention and Treatment. Both the House Bill and the Senate Democrat Bill call for a White House Conference.

B. Federal Railroad Administration

FRA is directed to establish a program for the random drug testing of railroad engineers and all employees directly responsible for the safety of railroad operations.

C. Federal Aviation Administration

FAA is required to include in any "drug free workplace program", a requirement that all air traffic controllers and other agency personnel directly involved in air safety submit to random drug testing. FAA is also directed to establish a program for the testing of airline pilots, mechanics, and all employees directly responsible for the safety of flight operations.

D. Use of Fraudulent Aircraft Registration

Adopts the House provision which, establishes a Federal violation for the use of a forged or altered aircraft registration in conjunction with transporting controlled substances. Allows states to establish criminal penalties for the use or attempted use of forged or altered aircraft registration. States are allowed to provide for the seizure of aircraft.

E. Federal Communications Commission

The Federal Communications Commission is authorized to revoke licenses and seize communications equipment used in drug related activities.

F. Highway Safety

The bill would establish a single, uniform license for commercial bus and truck drivers. This would prevent commercial drivers who have had licenses suspended or revoked in one state, perhaps for alcohol or drug-related incidents, from "forum shopping" and obtaining a new license in another state.

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The Bill would use a withholding of Federal highway funds to encourage states to participate in the uniform licensing system. And would also: 1) increase from \$20 million to \$60 million the authorization for the Motor Carrier Safety Assistance Program, some of such increase to be used for roadside testing of drivers for alcohol and drug impairment; 2) authorize funding for the establishment of computer links between states to communicate commercial driver license information, including prior drug and alcohol use; and 3) use the withholding of Federal highway funding to encourage the states to set .04 Blood Alcohol Content as the maximum acceptable level for commercial drivers (this is the standard used for airline pilots and railroad engineers). The bill is very similar to S. 1903, which was reported unanimously by the Commerce Committee.

The Senate Bill also contains resolution language that calls upon the states to administer, where there is cause to do so, tests of drivers suspected of driving under the influence of controlled substances.

G. Harmful Inhalants

This section suggested by Senator Roth makes it illegal to sell or advertise substances for the purpose of becoming intoxicated. The section only applies where the substance has traveled or is intended for travel in interstate commerce or the mails.

The section provides for a sentence of five years and a \$250,000 fine.

H. GSP

The bill also includes a provision which requires that GSP status be withdrawn from countries that do not cooperate in drug control efforts.

I. Civil Penalty for Importing Drugs

For purposes of assessing a civil penalty for the illegal importation of controlled substances, the Customs Service is authorized to assign a value equal to the street value of the controlled substance. And the civil penalty for such importation will be two times the street value. This is relevant also to the payments to informants since their informants fee will be based on such a street value.

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J. Habeas Corpus Reform

This section would curb the current abuse of habeas petitions by providing that a Federal court may dismiss a petition if it has been fully and fairly reviewed by the state court. This bill would also promote finality of state court decisions by requiring that habeas petitions be filed within a certain period of time. S. 2301, which is identical to the language included in this Bill, is pending on the Senate Calendar.

K. Armed Career Criminals

The bill includes the language of S. 2312. Present law defines an armed career criminal as an individual who has three or more convictions for "robbery or burglary". Under current law, if a career criminal is convicted of possession of a firearm, he must be sentenced to 15 years. S. 2312, which was reported by the Senate Judiciary Committee, redefines an armed career criminal as an individual who has three or more convictions "for a crime of violence" or "a serious drug offense, or both". The Administration package made no reference to armed career criminals. The House package and the Senate Democrat package both contain subtitles relating to career criminals. They are substantially similar to S. 2312.

L. Drug Paraphernalia

S. 713, the Mail Order Drug Paraphernalia Control Act, prohibits the sale and transportation of drug paraphernalia through the services of the Postal Service or in interstate commerce. It also provides for the seizure, forfeiture, and destruction of drug paraphernalia. The Administration package does not include any drug paraphernalia reference. Representative Levine offered an amendment to the House package which is substantially similar to S. 713.

M. Intelligence Agencies

The Bill designates the drug problem as a high-priority national intelligence collection and action target and directs the establishment of an inter-agency coordinating committee with representatives from all intelligence collection and analysis agencies, to set and prioritize drug-related intelligence collection and action goals and targets and coordinate the various drug-related activities of these agencies. The Bill also requires an annual, classified report from the DCI to the Intelligence Committees of both Houses, outlining what US intelligence has done about drugs the preceding year; what it will do in the coming year; and what it could do if additional resources were provided.

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N. Improving Law Enforcement And Narcotics Control Abroad

1. Requires the President to submit an annual report to the Congress listing any country:
 - a. which engages in or facilitates the production or distribution of illegal drugs.
 - b. any senior officials of which do so.
 - c. in which U.S. drug enforcement agents have suffered or been threatened with.
 - d. which has refused reasonable U.S. requests for cooperation in anti-drug programs, including aerial "hot pursuit."
2. No U.S. aid shall be given, and U.S. representatives to multilateral development banks shall oppose all aid from those banks, to all countries listed, unless the President certifies:
 - a. There is overriding national interest in providing such aid.
 - b. The drug aid will encourage better cooperation on drug programs.
3. The government of the country has adequately dealt with cases of violence against U.S. drug enforcement agents.

Food aid and drug enforcement aid would be excluded from the prohibition.

4. Drugs are declared a national security problem and the President is urged to explore the possibility of engaging such essentially security-oriented organizations as NATO in cooperative drug programs.
5. Amends Foreign Assistance Act requiring that willingness of foreign countries to enter into Mutual Legal Assistance Treaties with the United States in order to combat money-laundering should be factored into Presidential determinations of foreign assistance.
6. Modifies FY 1987 conditions on assistance to Bolivia in recognition of Bolivian cooperation with the United States during Operation Blast Furnace. Places near term emphasis on continued Bolivian cooperation on interdiction efforts and later assistance on Bolivia's progress in meeting illicit crop eradication goals.

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7. Requires that intelligence agencies conduct a sufficient number of aerial and other surveys to insure that a reliable estimate of illicit crop production levels may be made for the major producing countries.
8. Strengthens the Latin American Administration of Justice program and permits human rights training funds to be provided foreign police forces.
9. Various technical amendments.

O. Narcotics Control Assistance

Given the skyrocketing cost for maintenance of U.S. supplied eradication and interdiction aircraft in Mexico, as well as the inefficiencies of the program, a section was added which states the United States shall retain title of aircraft and lease them to the Mexican government (modification of House provision).

P. Freedom of Information Act

This section will prohibit public disclosure of law enforcement investigative information that could reasonably be expected to alert drug dealers and organized crime of law enforcement activity related to them. A Drug Enforcement Administration study found that 14% of all drug enforcement investigations were significantly compromised or cancelled due to public disclosure of information related to these investigations and informants involved in them. The Director of the FBI and the Department of Justice support this legislation. As well, this language was unanimously approved by the Senate in the 98th Congress. The House Drug Bill makes no reference to this problem with the Freedom of Information Act.

Q. U.S. Forest Service S. 2809.

Grants general arrest authority to and permits the carrying of firearms by designated Forest Service personnel. Authorizes Forest Service personnel to enforce the Controlled Substances Act. Prohibits the possession of a firearm or the placement of boobytraps on Federal property where a controlled substance is manufactured.

R. Trust Fund for Tax Refunds and Contributions

When taxpayers file their income tax returns, they would be allowed to designate that all or part of any refund due be contributed to a Drug Addiction Prevention Trust Fund. Taxpayers may also make additional contributions to the Trust Fund at the time they file their tax returns.

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S. Immigration and Naturalization Service

Provides general, as opposed to limited, arrest authority to agents in the Immigration and Naturalization Service.

T. Agriculture Payments and Loans

Extends current exclusion from receiving payments or loans if found guilty of cultivation of controlled substances from 4 years to 9 years, and establishes rewards for information leading to the conviction of those cultivating controlled substances.

U. Action

Current law authorizes approximately \$2 million under the direction of ACTION for volunteer demonstration projects, of which about \$500,000 is currently allocated to drug abuse prevention, education and treatment through the use of volunteers. This provision would increase the current authorization by \$3 million, which would be earmarked for expansion of the drug program.

V. STUDIES

1. Study on the Use of Existing Federal Buildings as Prisons

The Administrator of General Services and the Secretary of Defense shall jointly conduct a study to identify any building owned or operated by the United States which could be used, or modified for use, as a prison by the Federal Bureau of Prisons.

2. Drug Law Enforcement Cooperation Study

The National Drug Enforcement Policy Board, in consultation with the National Narcotics Border Interdiction System and state and local law enforcement officials, shall study Federal drug law enforcement efforts and make recommendations. The Board shall report to Congress within 180 days of enactment of this subtitle on its findings and conclusions.

3. Uniform Crime Reports and National Victimization Survey

Directs the inclusion of drug offenses as Part I offenses in the Uniform Crime Report, and expands the National Victimization Survey to include victimization of drug use.

4. Narcotic Assistance Study

GAO is mandated to conduct a study of our narcotic assistance programs (House provision).

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W. BORDER INTERDICTION

1. Department of Defense

The first section, by slightly amending existing statutes, provides for the limited use of the military in drug interdiction. Current law allows the use of military equipment and personnel to enforce violations of the Controlled Substances Act, upon the declaration of an emergency circumstance by the Attorney General and Secretary of Defense. An emergency circumstance "may be determined" to exist only when (1) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and (b) enforcement of the law would be seriously impaired if assistance was not provided. The Senate Bill changes the language to state: "an emergency circumstance exists when . . ."

Further, current law provides that the military may not be used to interdict or to interrupt the passage of vessels or aircrafts. The Senate Bill allows military personnel to intercept for the purpose of identifying, monitoring, and communicating the location and movement of vessels until such time as Federal, state, or local law enforcement officials can assume responsibility.

2. Additional Funds for Southern Border Initiative

The Administration has identified a need for a total of \$400 million for the Southwest Border Initiative. In addition, the Administration believes the Southeast Border Initiative may cost \$100 million. Title II of the Senate Bill provides \$227 million contained in the Senate-passed DOD Authorization Bill, an additional \$273 million is provided for a Southern Border Initiative, bringing the total to \$500 million.

3. Coast Guard Interdiction

The Senate Bill recognizes the important role the Coast Guard plays in drug interdiction and the need to fund it adequately. It provides continuing authority for the Coast Guard to engage in maritime air surveillance and interdiction, and clarifies existing enforcement authority concerning inspections, examinations, searches, seizures and arrests.

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FUNDS FOR FISCAL YEAR 1987

A. Drug Enforcement Administration

The FY 1987 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Bill appropriated \$427 million for the DEA, this is \$15 million more than was appropriated by the House. We recommend an additional \$45 million be authorized.

B. Federal Prison System

The Senate FY 1987 Commerce, Justice, State Appropriations bill appropriated \$129 million for prison construction compared to \$122.5 million in the House bill. We recommend an additional \$50 million be appropriated for these purposes.

Additionally, we would recommend that an additional \$28 million be appropriated to finance the subsistence costs, medical care, and prison guards associated with an increased prison population.

C. The Judiciary, Defender Services

The FY 1987 Senate Commerce, Justice, Appropriations bill, etc., appropriated \$70 million as compared with the House bill which appropriated \$68.3 million. We would recommend an additional \$18 million be appropriated.

D. The Judiciary, Fees of Jurors and Commissioners

The Senate FY 1987 Commerce, Justice, etc., Appropriations Bill appropriated \$47 million as compared to the \$44.6 million appropriated by the House. We would recommend an additional \$7.5 million be appropriated.

E. Drug Education Program Abroad

Authorizes an additional \$3 million for AID and \$2 million for USIA devoted solely for drug education programs abroad.

F. Narcotics Control Assistance

The bill increases the narcotics foreign assistance authority for FY 1987 by \$45 million, \$10 million of which is for eradication and interdiction aircraft for use primarily in Latin America (modification of House provision).

Additionally, \$1 million of narcotics assistance funds is earmarked for research on developing an aerial herbicide for coca (House provision).

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G. State and Local Narcotics Control Assistance

Provides \$100 million in grant funds, in a 50% matching formula, to state and local enforcement agencies to be used for investigation, arrest, and prosecution of drug offenders.

CAP REMOVAL FROM FORFEITURE FUNDS

The Department of Justice has a forfeiture fund generated from seizures of assets in drug related prosecutions. The assets consists of cash and proceeds of sales of these assets. By law, these funds can be used for certain law enforcement purposes. However, there is cap, administered by the Appropriations Committee, on how much of the funds can be used each year. This cap undercuts the basic purposes of the funds to have the seized proceeds of criminal activities help finance the war on crime.

The Senate Bill would remove the cap on the fund and would remove it from the budget allocation process. The bill would not prevent the funds from being sequestered, if there were a sequester.

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Remarks To 9: For NIO/NARC action.

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Executive Secretary

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Date

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THE ATTORNEY GENERAL
WASHINGTON
22 September 1986

Executive Registry

86- 4287X

Dear Bill:

Enclosed is a proposed agenda for the next Policy Board meeting on 24 September 1986, in the Roosevelt Room at 10:00 a.m. Deferred from the last meeting is our review of resources devoted to and proposed for drug enforcement programs.

Suggestions to the agenda should be communicated to Staff Director Patrick Tarr on 633-3435. Also enclosed are the minutes of our previous meeting.

I look forward to seeing you on the 24th.

Sincerely,



Edwin Meese III

Enclosures

The Honorable William J. Casey
Director
Central Intelligence Agency
Washington, D.C. 20505

cc: The Honorable William R. Kotapish



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